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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,191	11/14/2003	John Fritsch	12-9540-6520-0000-1	9356

7590 12/22/2004

Dana Andrew Alden  
MacLean-Fogg Company  
1000 Allanson Road  
Mundelein, IL 60060

EXAMINER

SHARP, JEFFREY ANDREW

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/714,191

Applicant(s)

FRITSCH, JOHN

Examiner

Jeffrey Sharp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims*

- [1] Claims 1-2 are pending.

### *Oath/Declaration*

- [2] The oath and declaration is defective because it does not list all inventors:

The oath and declaration submitted on 05 April 2004 lists **John Fritsch** as the sole inventor

All other documents (e.g., Specification, Utility Patent Application Transmittal PTO sb/05) earlier submitted on 11/14/2003 list **Kent Kallsen** as the sole inventor.

Appropriate correction is required.

### *Drawings*

- [3] The drawings are objected to because:

Figures 5, 6, and 7 lack clarity. Lines appear jagged, too bold, and low-resolution. It is suggested that Applicant decrease the weight of the lines.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

[3] Claim 2 objected to because of the following informalities:

There is insufficient antecedent basis for the limitation '*the angled surface*' on line 11. It is not known whether Applicant is referring to '*co-operating surface*' or '*securing surface*'.

The word '*fit*' on line 12 should be '*fitted*'

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

- [4] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- [5] Claim 1 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Basicckes et al.

US-6,152,412.

Basicckes et al. teach a U-nut comprising:

- a) a polymer material,
- b) first segment (10) and second segment (9) adjacent a flex area (1),
- c) retainer (13) on first segment (10),
- d) acceptor (11) on second segment (9)

Pertinent to claim 2(b), the segments can move in a pre-determined path.

Pertinent to claim 2(e), a threaded member may be used to clamp at least one of the two segments together (Col 4 lines 30-33). It would be apparent to those of ordinary skill in

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the art that the undersized hole in the acceptor (11) would permit an inserted fastener to cut self-tapped threads.

[6] Claim 1 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hirose US-5,599,148. Refer to Figure 2.

Hirose teaches a U-nut comprising:

- a) a polymer material,
- b) first segment (22b) and second segment (22a) adjacent a flex area (22c),
- c) retainer (27,28,30) on first segment (22b),
- d) acceptor (23,24,26) on second segment (22a)

[7] Claims 1 and 2 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jhumra et al. US-6,287,064. Refer to Figures 4 and 5.

Jhumra et al. teach a U-nut comprising:

- a) a polymer material,
- b) first segment (11a) and second segment (11b) adjacent a flex area (58, 26),
- c) retainer (22) on first segment (11a),
- d) acceptor (24) on second segment (11b)

As for claim 2, the retainer (22) has securing members (52) that snap fit into the acceptor (24), via an angled surface lip (upper edge of 24). The acceptor (24) is threaded for a fastener (20) to enter. As a matter of obvious engineering design choice, it would

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be apparent to those of ordinary skill in the art, that the fastener (20) could be '*configured*' to thread the acceptor bore to apply a clamping force to either of the two segments.

***Claim Rejections - 35 USC § 103***

[8] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[9] Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose US-5,599,148.

Hirose teaches all the limitations of claim 1, and further shows securing members (31) on the retainer (27,28,30) of the first segment (22b), which are snap-fitted into the acceptor 23,24,26) of the second segment (22a). However, Hirose does not disclose expressly, the fastener **self-tapping into the acceptor**.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify a retainer and acceptor member of a U-nut to comprise mating securing members as suggested by Hirose, in order to more positively secure a plate (5) disposed between the two segments, and to ensure that the retainer and acceptor do not become accidentally separated.

Further, it would be an obvious matter of engineering design choice, to dimension the retainer and acceptor taught by Hirose, so that either one could be internally threaded by a fastener '*configured*' to tap threads. This would be apparent to those skilled in the art by simply

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making the retainer of a larger diameter than the acceptor (inverse). The securing elements could be switched around from acceptor and retainer as inverted compliments without departing from the scope, as they only serve to further prevent separation of the two segments. Lastly, the acceptor and retainer could be switched around from male to female without departing from the scope. See MPEP 2144.04.

Note the length of cylinder (24) taught by Hirose acts equivalently to Applicant's '*spacer* 54' to make room for element (5)

Also note that the cap (15) shown by Hirose serves to provide a means for 'quick releasing' the secured plate (5) from the fastener (8). It would be apparent to one of ordinary skill in the art, that Hirose's U-nut (22a,b,c) would have been expected by others to function similarly when simply inserting a self-tapping fastener into the plastic bore of either the acceptor or the retainer. In general, Hirose tries to improve on that idea, by adding the cap interface (15) to the fastener (8) for means of removing a panel (5) from another panel (4) quickly without having to undo the nut.

### ***Conclusion***

[10] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

US 4955772 A	USPAT	Reck; Bernhard
US 5713707 A	USPAT	Gagnon; Michael G.
US 5820322 A	USPAT	Hermann; Fritz et al.
US 5893694 A	USPAT	Wilusz; John et al.
US 6336779 B1	USPAT	Jakob; Andreas et al.
US 6450747 B1	USPAT	Fischer; John D.



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US RE22926 E	USPAT	Tinnermann
US 4376605 A	USPAT	Thomsen; Jack W.
US 4286642 A	USPAT	Keatley; James

[11] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (703) 305-0426. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**